

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALEXANDER CASTELLANO-
BENITEZ,

Defendant.

4:15-CR-3114

ORDER

This matter is before the Court on the motion of defendant's counsel to withdraw as the attorney of record. [Filing 177](#). That motion will be denied without prejudice.

Rule 27B(a) of the Eighth Circuit Court of Appeal's Local Rules provides:

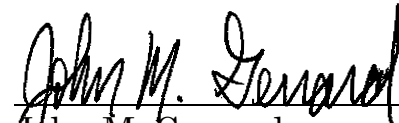
Retained counsel in criminal cases, and counsel appointed to represent a party pursuant to the provisions of the Criminal Justice Act, [18 U.S.C. § 3006A](#), [Federal Rule of Criminal Procedure 44](#), or the inherent power of a federal court, shall file a notice of appeal upon their client's request. Defendant's trial counsel, whether retained or appointed, shall represent the defendant on appeal, *unless the Court of Appeals* grants permission to withdraw.

[8th Cir. R. 27B\(a\)](#) (emphasis supplied). Accordingly, counsel's motion will be denied without prejudice to refile in the Eighth Circuit.

IT IS ORDERED that counsel's motion to withdraw ([filing 177](#)) is denied without prejudice to its reassertion in the Eighth Circuit pursuant to [8th Cir. R. 27B\(b\)](#).

Dated this 16th day of August, 2017.

BY THE COURT:



John M. Gerrard
United States District Judge